



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

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Committee against Torture

**Fourth periodic report submitted by Slovenia
under article 19 of the Convention pursuant to the
simplified reporting procedure, due in 2015* ****

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** The annexes to the present report may be accessed from the web page of the Committee.

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I. Introduction

1. Based on the provision of paragraph 1 of Article 19 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Republic of Slovenia as a State Party to the Convention against Torture hereby submits its fourth report on the implementation of the Convention. The Slovenian Government submitted its initial report to the Committee against Torture in 1999 (supplement to the initial report in May 2000), the second periodic report in 2001, and the third in 2009. The third report was considered by the Committee against Torture on 10 and 11 May 2011.

2. At the 46th session held on 3 June 2011, the Committee against Torture adopted the concluding observations regarding Slovenia. The fourth periodic report was expected to be completed by 3 June 2015. The present periodic report covers the period from the date of consideration of the previous periodic report, i.e. 11 May 2011 to 31 August 2018.

3. At its 38th session (A/62/44, para. 23 and 24), the Committee against Torture adopted a new procedure on a trial basis, which includes the drafting and adoption of a list of issues to be transmitted to States Parties prior to the submission of a State Party's periodic report. A State Party's replies to the list of issues constitute the State Party's periodic report under Article 19 of the Convention. This document will contain specific information on the implementation of Articles 1–16 of the Convention, including those relating to the previous recommendations of the Committee.

4. The following authorities took part in drawing up the report: the Ministry of Justice, Ministry of Foreign Affairs, Ministry of the Interior, Ministry of Health, Ministry of Labour, Family and Social Affairs, the Government Office for National Minorities, the Human Rights Ombudsman of the Republic of Slovenia, the Government Office for the Support and Integration of Migrants, Supreme Court of the Republic of Slovenia and the Office of the State Prosecutor General of the Republic of Slovenia. Their reports are summarised in this report. The material was published on the website of the Ministry of Justice and was open to comments for a month; it was also sent directly to NGOs for consideration. We have not received any comments. The report has been approved by the Inter-ministerial Working Group for Human Rights, which is a coordinating body of the Republic of Slovenia for reporting under ratified international conventions for the protection of human rights. The Inter-ministerial Working Group for Human Rights coordinates reporting under ratified international instruments for the protection of human rights and fundamental freedoms and reporting on the basis of other mechanisms, and monitors implementation of the obligations assumed in the area of human rights. In addition to representatives of ministries and government offices, the Inter-ministerial Working Group for Human Rights includes representatives of civil society and the academic community.

II. New information based on implementation

Articles 1 and 4

Reply to paragraph 1 of the list of issues (CAT/C/SVN/QPR/4)

5. In addition to providing information on the amended Criminal Code (the KZ-1)¹ in paragraph 144 of the Common Core Document of the Republic of Slovenia (in the UN database as HRI/CORE/SVN/2014), we report that the criminal offence of torture in the chapter on criminal offences against official duties and powers was transferred to a more appropriate chapter in terms of protection of values of human integrity and dignity, i.e. a hierarchically more important chapter on criminal offences against human rights and fundamental freedoms. An offence in its basic form may be perpetrated by any individual. In this way we have complied with the modern doctrinal approach which does not limit

¹ Official Gazette of the Republic of Slovenia [Uradni list RS], Nos. 50/12 – official consolidated version, 6/16 – corr., 54/15, 38/16 and 27/17.

human rights violations committed through the act of torture to the perpetrator's status. The scope of possible perpetrators has been extended to include not only any other person who has official status, but also a person who has official powers, whereby the criminalisation of said offence has been more clearly defined.

6. The new Article 135a of the KZ-1, which criminalises torture and any other form of cruel treatment is in Annex 1.

7. With regard to the statute of limitations, we would like to inform the Committee that, in view of the Republic of Slovenia, this is not an obligation arising from the Convention, but that we have considered this issue. The Convention does not explicitly stipulate an obligation regarding the statute of limitations, but, *Travaux préparatoires* show that a proposal was put forward specifically to define the longest possible statute of limitations for criminal offences of torture and other cruel treatment, but such proposal was not adopted (the then proposal for Article VIII)².

8. The criminal offence of torture under Article 135 of the KZ-1 is subject to general rules on the statute of limitations for criminal prosecution or the statute of limitations for the enforcement of penalties laid down in Articles 90 and 92 of the KZ-1, pursuant to which criminal prosecution and the enforcement of the penalty for said criminal offence is no longer allowed if twenty, or where the offence is committed by an official person, thirty years have passed from the commission of the criminal offence or the conviction. Where torture is committed as part of a crime against humanity under Article 101 of the KZ-1 or as part of a war crime under Article 102 of the KZ-1, such criminal offence does not fall under the statute of limitations. In this regard, it should be noted that the KZ-1, which entered into force on 1 November 2008, extended the statute of limitations to practically twice its length.³ In this regard, we assess that, with the latest amendments, the statute of limitations in this case has been extended up to a limit still allowed by the constitutional organisation of the Republic of Slovenia, considering the fundamental constitutional principle of proportionality (Article 2 and paragraph 3 of Article 15 of the Constitution of the Republic of Slovenia).⁴ It should also be taken into account that, in Slovenian legislation, the institution of a statute of limitations is systemically regulated so that it varies depending on the severity of the penalty for a particular criminal offence, in particular, the gravity or nature of that criminal offence (or indirectly depending on legal goods protected by criminal law); accordingly, this allows only for systemic changes to the statute of limitations which "push" the entire regulation towards one or the other end of the scale. The Republic of Slovenia assesses that such systemic changes have been appropriately put into force with the new KZ-1.

² See: "The United Nations Convention Against Torture: A Commentary", Nowak, Manfred, McArthur, Elizabeth, Oxford University Press, Oxford, 2008, p. 231.

³ Prosecution of a criminal offence carrying a sentence of imprisonment of the same length as the criminal offence of torture under the KZ-1, would, for example, have a statute of limitations of ten or fifteen years under the former Criminal Code.

⁴ For example, Decision of the Constitutional Court of the Republic of Slovenia No. Up-762/03 of 7 April 2005, Official Gazette of the Republic of Slovenia [Uradni list RS], No. 46/2005 and Constitutional Court Decision XIV, 39: "This is contrary to the very purpose of the institution of the statute of limitations, which is to establish legal order and remove uncertainty about the possibility of interference with the rights of individuals, and is therefore inconsistent with the right to a fair trial as one of the aspects of the right to the equal protection of rights referred to in Article 22 of the Constitution." The Constitutional Court of the Republic of Slovenia repealed the Criminal Procedure Act as unconstitutional because it did not appropriately "limit" the possibility of prosecution of an individual after the final conviction has been set aside by an extraordinary legal remedy (it pointed out one of the aspects of limiting in time the possibility of the criminal law's interference with the rights of an individual); also Decision of the Constitutional Court of the Republic of Slovenia No. U-I-25/07 of 11 September 2008, Official Gazette of the Republic of Slovenia [Uradni list RS], No. 89/2008 and Constitutional Court Decision XVII, 48.

Article 2⁵

Reply to paragraph 2 of the list of issues

9. The Criminal Procedure Act (the ZKP)⁶ provides for the possibility, but not the obligation, of recording interrogations of suspects. Article 84 of the ZKP stipulates that the investigating judge may order that acts of investigation, including the interrogation of a suspect, be recorded by an appropriate sound recording or video recording device. The investigating judge is obliged to inform in advance the person to be interrogated of the recording.

10. In cases where a suspect is interrogated by the police, the ZKP provides for the possibility of the interrogation being recorded by an appropriate audio and video recording device after the suspect has been informed of such recording (paragraph 6 of Article 148 and paragraph 2 of Article 148a of the ZKP). This solution was introduced into Slovenian legislation by the ZKP-E amendment.⁷ It provided the possibility of recording the interrogation of a suspect; however, such possibility did not guarantee in itself that a court may base its judgment on a statement obtained in such a manner. Pursuant to the ZKP, a court could only base its judgment on the interrogation of a suspect provided that the suspect was appropriately instructed, the legal instruction (together with the suspect's statement regarding his counsel) was recorded in the official record, there was no abuse during the interrogation and the suspect's counsel was present in the interrogation.

11. Pursuant to the ZKP, a lawyer must be present in any police interrogation (otherwise the interrogation cannot be used as valid evidence before the court), which provides an additional safeguard against the inappropriate or unlawful treatment of persons in police procedures. In view of the above, the Republic of Slovenia agrees that the use of recording devices during interrogations is an additional safeguard against ill-treatment, cruel or unlawful treatment during police interrogation; for that reason, guidelines have been prepared for police officers, encouraging them to use electronic recording equipment during police interrogation to the greatest extent possible.

12. At the beginning of 2012, a new Manual for Police Interrogation was drawn up, which, like the Instructions on the Implementation of Police Detention, devotes particular attention to the protection of human rights in procedures, specifying cases in which sound recording or video recording of an interview or interrogation of a suspect is recommended.

Reply to paragraph 3 (a) of the list of issues

13. First, we would like to recall the relevant information referred to in Article 145 of the Common Core Document. The Human Rights Ombudsman of the Republic of Slovenia as the National Preventive Mechanism (hereinafter: the NPM) visits all locations in the Republic of Slovenia where persons are deprived of their liberty, and inspects how such persons are treated, in order to strengthen their protection against torture and other forms of cruel, inhuman or degrading treatment or punishment. Taking account of legal norms, the NPM makes recommendations to the relevant authorities to improve the conditions and treatment of people and prevent torture and other forms of cruel, inhuman or degrading treatment or punishment. It also publishes regular annual reports on its website.⁸ The Government of the Republic of Slovenia also provides response reports, which are

⁵ "The issues considered in Article 2 may also include other articles of the Convention, including Article 16. Paragraph 3 of General Comment No. 2 states: "The obligation to prevent torture in Article 2 is wide-ranging. The obligations to prevent torture and other cruel, inhuman or degrading treatment or punishment (hereinafter "ill-treatment") under Article 16, paragraph 1, are indivisible, interdependent and interrelated. The obligation to prevent ill-treatment in practice overlaps with and is largely congruent with the obligation to prevent torture. (...) In practice, the definitional threshold between ill-treatment and torture is often not clear." See Chapter V of the same General Comment."

⁶ Official Gazette of the Republic of Slovenia [Uradni list RS], No. 32/12 – UPB, 47/13, 87/14, 8/16 – Constitutional Court Decision, 64/16 – Constitutional Court Decision and 65/16 – Constitutional Court Decision and 66/17 – ORZKP 153, 154.

⁷ Official Gazette of the Republic of Slovenia [Uradni list RS], No. 56/03.

⁸ <http://www.varuh-rs.si/publikacije-gradiva-izjave/porocila-varuha-v-vlogi-dpm/>.

published on the website of the Ministry of Justice and considered, together with the report, by the National Assembly of the Republic of Slovenia.

14. In 2015 the two roles of the Ombudsman (preventive, which comprises NPM tasks, and reactive, which comprises the consideration of individual complaints received) were completely separated. In 2016 and 2017, the aforementioned Ombudsman's roles remained separated, since the Ombudsman established that such separation was the right decision. The implementation of tasks and powers of the NPM is now much more organised and effective. This is also reflected in the number of visits to different locations (for example, 39 visits were conducted in the role of NPM in 2014, 67 visits in 2015, and as many as 80 visits in 2016 and 2017). There was also an increase in the number of participating non-governmental organisations (NGOs) selected in public procurement procedures which cooperate with the Ombudsman in the implementation of tasks and powers of the NPM.

15. Additional information regarding new changes that strengthen the structure of the office of the Human Rights Ombudsmen with a view to obtaining "A" status in accordance with the Paris Principles relating to the status of national institutions of 1993 is provided in point b.

16. With regard to the issue of the Ombudsman's powers, namely that it carries out its own investigation into allegations of torture and ill-treatment, paragraph 3 of Article 213b of the ZKP is of particular relevance, stipulating that the Ombudsman or their deputy may visit and have correspondence with a remand prisoner without prior notification to the investigating judge and without being supervised by the investigating judge or a person appointed by the investigating judge. Letters sent by a remand prisoner to the Ombudsman may not be examined.

17. In addition, a person detained by the police has the right to communicate with the Ombudsman without such communication being supervised by the police (Article 70 of the Police Tasks and Powers Act⁹).

18. With regard to the exercise of supervision of convicted persons in prisons, paragraph 3 of Article 212 of the Enforcement of Criminal Sanctions Act¹⁰ lays down that supervision of the legality of the treatment of convicted persons by the Human Rights Ombudsman should be made possible in accordance with the Human Rights Ombudsman Act.

19. In practice, the Ombudsman has not reported being restricted in any way in carrying out its own investigation into allegations of torture and ill-treatment.

Reply to paragraph 3 (b) of the list of issues

20. With regard to the new changes that strengthen the structure of the Ombudsman's office, the Republic of Slovenia would like to point out the following: On 20 September 2017, the National Assembly of the Republic of Slovenia adopted the Act Amending the Human Rights Ombudsman Act (the ZvarCP-B),¹¹ which considerably strengthens the position of the Human Rights Ombudsman. The goal pursued by said Act is to enable the Ombudsman to obtain "A" status under the Paris Principles relating to the status of national institutions of 1993, thereby ensuring a high level of promotion and protection of human rights and fundamental freedoms. The aforementioned amendment is based on the ideas of the Ministry of Justice since 2007, the proposals of the Human Rights Ombudsman, recommendations made by several countries during the review of the Republic of Slovenia in the 2nd cycle of the Universal Periodic Review of the UN Human Rights Council, and various expert discussions that have taken place in recent years within the state administration and in dialogue with civil society. The said amendment has been drafted equally in cooperation with the Human Rights Ombudsman.

⁹ Official Gazette of the Republic of Slovenia [Uradni list RS], Nos. 15/13, 23/15 – corr. and 10/17; ZNPPol.

¹⁰ ZIKS-1 (Official Gazette of the Republic of Slovenia [Uradni list RS] Nos. 110/06, official consolidated version, 76/08, 40/09, 9/11 – ZPIZ-2, 109/12, 54/15 and 11/18.

¹¹ Official Gazette of the Republic of Slovenia [Uradni list RS], No. 54/17.

21. In June 2018, an advisory body of the Human Rights Ombudsman was established – the Council of the Human Rights Ombudsman. The Council will ensure pluralist representation and enhance cooperation with civil society and experts. It consists of the Chairperson and 16 members. Seven members are representatives of civil society, three are representatives of science, and two are representatives of the Government of the Republic of Slovenia. The Advocate of the Principle of Equality, the Information Commissioner, the National Assembly of the Republic of Slovenia and the National Council of the Republic of Slovenia have one member each.

22. In addition, a Human Rights Centre is being established as a permanent internal organisational unit of the Ombudsman, which will operate in compliance with the principle of professional autonomy. The Centre will have broad powers, including promotion, disseminating information, education, training, drafting analyses and reports from individual areas of protection of human rights and fundamental freedoms, organising panel discussions regarding the implementation and protection of human rights and fundamental freedoms, cooperating with civil society and advocates of human rights, providing general information on the types and forms of complaints to international authorities due to violations of human rights and fundamental freedoms, and international cooperation at the European and international level in international organisations and associations working in the areas of promotion, exercise and development of human rights and fundamental freedoms.

23. The two new bodies of the Human Rights Ombudsman importantly contribute to the Ombudsman as a control mechanism – the Council as a new body promoting dialogue and development and the Centre as a new body raising the awareness of people and institutions about rights and freedoms and educating about these issues.

24. With the entry into force of the ZvarCP-B, the Human Rights Ombudsman has taken on additional systemic tasks, which has certain financial consequences.

25. Additional financial resources have been earmarked for the performance of tasks arising from the establishment of the Council of the Human Rights Ombudsman and the Human Rights Centre, and seven additional jobs are planned to be created by 2020. Considering the above, the additional financial funds allocated from the budget of the Republic of Slovenia for 2018 to the Ombudsman for the performance of tasks under the ZVarCP-B totalled EUR 265,575.00, and the additional funds allocated from the 2019 budget totalled EUR 523,598.00.

26. Paragraph 2 of Article 5 of the ZVarCP stipulates that funds for the Ombudsman's work are to be allocated by the National Assembly from the national budget on the proposal of the Ombudsman. In 2017 the National Assembly of the Republic of Slovenia allocated EUR 2,151,791 from the national budget. See Annex 2 for the table of Ombudsman's finances.

Employees at the Ombudsman's office

27. As at 31 December 2017, a total of 40 persons were employed by the Ombudsman, of whom 6 high officials: the ombudsman, 4 deputy ombudsmen and one secretary-general, 26 officials, and 8 professional and technical public employees. Two of them have a doctoral degree and three have a master's degree; 29 employees have a university degree, eight employees have a professional higher education degree, of whom two have completed a specialisation. One employee has completed a short-cycle higher education programme and two have completed upper secondary education.

Reply to paragraph 4 of the list of issues

28. Activities to combat human trafficking are being continuously prepared and implemented on the basis of two-year action plans approved by the Government of the Republic of Slovenia, and these are the foundation of activities to combat human trafficking, prosecute criminal offences and provide assistance to victims of human trafficking.

29. In the field of prevention, raising the awareness of children and young people has become a well-established practice; accordingly, every year, NGOs and humanitarian

organisations carry out projects to raise the awareness of primary and secondary school students about human trafficking, which are co-financed by the Slovenian Government. In 2018, with the help of additional funds from the Government Office for National Minorities, approximately a third of workshops organised as part of projects to raise the awareness of young people were held in environments where members of the Roma community live, featuring awareness-raising about forced or arranged marriage as an additional topic.

30. In addition, under the contract concluded with the Ministry of Labour, Family, Social Affairs and Equal Opportunities, the crisis accommodation provider regularly conducts preventive workshops at Slovenian primary and secondary schools and prepares and distributes information material. Both activities are intended to inform and raise the awareness of children, young people and staff working with them, as well as of other target populations, about the dangers and pitfalls of human trafficking.

31. Preventive measures also include the provision of regular training for employees of state authorities responsible for the issue of human trafficking (the police, state prosecutor's offices, courts, labour inspection services, the financial administration, social work centres, consular and diplomatic missions, etc.). In 2018, a lecture on human trafficking was held for primary and secondary school principals.

32. In terms of providing assistance to victims of human trafficking, mention should be made of the **Manual on the Identification, Assistance and Protection of Victims of Trafficking in Human Beings**¹² (hereinafter: the Manual), which was adopted by the Government of the Republic of Slovenia on 5 May 2016. The Manual defines the role and tasks of state authorities, NGOs and humanitarian organisations in dealing with human trafficking and sets out victim assistance and protection measures. NGOs have been included with the purpose of informing victims of their rights and possibilities of receiving assistance in the Republic of Slovenia. In this regard, it should be emphasised that a victim is included in the programme or receives assistance on a voluntary basis. Particular attention has been devoted to women and adolescent girls, considering that human trafficking for the purpose of sexual exploitation has been recognised as the most frequent form of trafficking. Indicators for recognising victims of human trafficking, including children, are an important part of the Manual. The Manual is also used for raising awareness among and training of professionals whose work is related to human trafficking issues.

33. On 3 December 2015, the Government of the Republic of Slovenia adopted a decision on enlarging the Inter-ministerial Working Group for Combating Trafficking in Human Beings, by which the structure of the working group has been strengthened and the efficiency of its operations increased. To devote greater attention to measures to prevent child trafficking, two representatives of the Ministry of Labour, Family, Social Affairs and Equal Opportunities have been appointed to participate in the working group, one with expertise in the area of social affairs and the other with expertise in the area of families. The working group also includes representatives of the Government Office for National Minorities in addressing the issue of forced early marriage of underage girls in the Roma community in connection with human trafficking.

34. The police carry out activities relating to the identification of potential victims of human trafficking and further procedures on the basis of operational indicators set out in the Manual on the Identification, Assistance and Protection of Victims of Trafficking in Human Beings, the Frontex Handbook on Risk Profiles on Trafficking in Human Beings to assist border guards, and the Guidelines for the first level identification of victims of trafficking in Europe (Euro TrafGulD project).

35. Police work in combating human trafficking is guided and coordinated by the Criminal Police Directorate of the General Police Directorate. Different directorates of the police (criminal police directorate, uniformed police directorate) use harmonised procedures for the identification of victims of human trafficking and further procedures involving victims and the investigation of this criminal offence. Investigations by the police

¹² http://www.mnz.gov.si/fileadmin/mnz.gov.si/pageuploads/SOJ/word/2016/Prirocnik_-_print_A4.pdf.

in pre-trial procedures are directed by the Specialised State Prosecutor's Office of the Republic of Slovenia.

Reply to paragraph 5 of the list of issues

36. Slovenian legislation clearly states that the collection of data on the basis of ethnic affiliation is not allowed. The Constitution of the Republic of Slovenia guarantees the protection of personal data and prohibits the use of personal data contrary to the purpose for which they have been collected, which must have a basis in law. The Personal Data Protection Act (ZVOP-1)¹³ lays down in detail the collection, processing, designated use, supervision and protection of the confidentiality of personal data and the right to judicial protection in the event of abuse of such data. It precisely defines when and under what conditions the processing of personal data is allowed. In the case of data on ethnic affiliation, the aforementioned Act stipulates that data on racial, national or ethnic origin are sensitive personal data (Article 6, paragraph 19) for which a particularly strict manner of processing is provided by law, taking into account specific conditions (Article 13).

37. The Republic of Slovenia does not collect statistical data by ethnic affiliation and sex, but by criminal offence and based on whether a person in question has reached or is below the age of majority – this last point is reasonable since the legislation in force contains special procedural and substantive law provisions relating to juvenile offenders. In terms of constitutional admissibility, we can assess that such an arrangement is appropriate. In the criminal procedure, data on sex are not collected separately as the criminal procedure is not specifically adapted to either of the sexes (which, however, does not mean that the vulnerability of a person in question is not taken into account); the structure of convicted persons can be indirectly deduced *ex post* from the data on the occupancy of prisons, which are separated by sex.

38. In accordance with the provisions of the Police Tasks And Powers Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 15/13, of 18 February 2013 and more recent), the police manage and keep records of data collected and processed by police employees in the performance of police tasks. As provided by law, the police also keep a record of criminal offences. Accordingly, data on the sex and age of both the victim and the perpetrator may be obtained on the basis of such records.

39. Below we provide a detailed explanation as to why, under the Slovenian constitutional arrangements, statistical data by ethnic or national affiliation may not be collected.¹⁴

40. In constitutional terms, the Republic of Slovenia is strict regarding the expression of national affiliation. In accordance with Article 61 of the Constitution of the Republic of Slovenia¹⁵, affiliation with one's nation is expressed freely. In view of this Article, any attempt to obtain data on national affiliation should be reasonably justified, should respect the freedom of the individual and be in accordance with the fundamental constitutional principle of proportionality (Article 2 in connection with paragraph 3 of Article 15 of the Constitution) – due regard should therefore be made to the principle of proportionality. Accordingly, such collection and processing of personal data as proposed (if this was allowed, it should be regulated by law) cannot be justified by the need for statistical reporting or research if the primary purpose of collection of data on national or ethnic affiliation for the needs of the procedure has not been justified (substantiated). Furthermore, even if the aforementioned primary purpose of collection (for the needs of the procedure) is disregarded, the collection and processing of data on affiliation on the basis of an individual's consent would be unreasonable as there will never be enough people giving

¹³ Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 94/07 – official consolidated version.

¹⁴ The Government of the Republic of Slovenia makes similar statements in the response report on the 22nd regular annual report of the Human Rights Ombudsman for 2016: <http://www.varuh-rs.si/publikacije-gradiva-izjave/letna-porocila-priporocila-dz-odzivna-porocila-vlade/>.

¹⁵ Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos. 33/91-I, 42/97, 66/00, 24/03, 69/04, 68/06, 47/13, 47/13, 75/16; the Constitution.

their consent to make such sample representative and relevant in terms of assessing whether criminal offences or discrimination in criminal procedures are ethnically motivated.

41. The Republic of Slovenia believes that the systemic collection of data (even if such collection is based on an individual's consent) on the national affiliation of defendants (or victims) in the criminal procedure is not necessary and proportionate. Such collection of sensitive personal data (data on national affiliation) in the context of the criminal procedure cannot be justified by the statistical or research purpose. However, the legal system of the Republic of Slovenia does not prevent NGOs or research organisations from investigating, on the basis of archived judicial records or prosecution files, the level of discrimination or ethnically motivated criminal offences in the Republic of Slovenia; indeed, such investigations have occasionally been made in practice.

42. The aforementioned definition is also part of the Government of the Republic of Slovenia's response report to the annual report of the Human Rights Ombudsmen for 2016, which has been considered by the National Assembly.

43. Considering the above and the fact that, in the Republic of Slovenia, ill-treatment and torture are not a system-wide issue or an issue that would go beyond anything other than individual incidents, we conclude that the collection of such sensitive data is not necessary.

Reply to paragraph 5 (a) of the list of issues

44. Under paragraph 4 of Article 10 of the State Prosecution Service Act (the ZDT)¹⁶, a specialised section was established within the Group of State Prosecutors for the Prosecution of Organised Crime, which operated as part of the then Office of the State Prosecutor General of the Republic of Slovenia; the specialised section has exercised its powers and performed its tasks under the provisions of the ZDT since 1 November 2007. With the adoption of the new State Prosecution Service Act (the ZDT-1)¹⁷, the specialised section was renamed the Section for the Investigation and Prosecution of Official Persons Having Special Authority (hereinafter: the Special Section), which has exclusive territorial and subject-matter jurisdiction to prosecute criminal offences committed by official persons employed by the Police.

45. The Special Section of the Specialised State Prosecutor's Office is responsible for investigating and prosecuting official persons vested with police powers in pre-trial proceedings, i.e. persons employed by police authorities, but not persons employed by prosecution authorities and prison officers. In accordance with the above, we separately report on criminal offences considered by the Special Section and criminal offences of torture committed by official persons who do not fall within the competence of the Special Section.

46. Data below refer to the criminal offence of torture under Article 135a – after the KZ-1B amendment or Article 265 of the KZ-1 (before the KZ-1B amendment). In addition to the stated criminal offences, we also provide data on other criminal offences containing signs of cruel, inhuman or degrading treatment, i.e. offences under Article 267 of the KZ-1B (extorting a statement) and Article 271 of the KZ¹⁸ and Article 266 of the KZ-1B (violation of human dignity by abuse of official position) or Article 270 of the KZ. Statistical data refer to a period from 1 January 2010 to 27 November 2017 and are not disaggregated by ethnic affiliation, age and sex.

47. Table 1 shows a general statistical overview of the aforementioned criminal offences by prosecutor's office for the period from 1 January 2010 to 27 November 2017.

<i>Prosecutor's office/event</i>	<i>Specialised state</i>		<i>Other prosecutor's offices</i>
	<i>Special section</i>	<i>prosecutor's office</i>	
Criminal complaint	18	2	148

¹⁶ Official Gazette of the Republic of Slovenia [Uradni list RS], Nos. 94-07-UPB and 87/09.

¹⁷ Official Gazette of the Republic of Slovenia [Uradni list RS], No. 58/11.

¹⁸ Official Gazette of the Republic of Slovenia [Uradni list RS], No. 95/04.

<i>Prosecutor's office/event</i>	<i>Special section</i>	<i>Specialised state prosecutor's office</i>	<i>Other prosecutor's offices</i>
Criminal complaint resolved in a different way	1		8
Request for investigation		2	4
Decision rejecting the criminal complaint	20		143
Indictment	1	2	9
Withdrawal from prosecution	1		1
Total resolved	23	4	165

48. Table 2 shows only data for the Special Section by year.

<i>Year/ events</i>	<i>Criminal complaint resolved in a different way</i>	<i>Criminal complaint rejecting the criminal complaint</i>	<i>Decision rejecting the criminal complaint</i>	<i>Indictment</i>	<i>Withdrawal from prosecution</i>	<i>Judgements</i>		
						<i>Conviction</i>	<i>Acquittal</i>	<i>Rejection</i>
2010	3		3		1	4	4	1
2011	2		3	1		1	1	6
2012	5		5			1	2	3
2013	2	1	1				2	
2014	1		1					
2015	5		7					

49. We keep a record of complaints about the work of the police, which contains only information on the person filing the complaint and the unit and police officer against whom the complaint has been filed, and information on the measure taken by the police officer, the police officer's conduct or the procedure carried out by the police officer which is the subject of the complaint. The police do not keep records and lists, or collect other statistical data relating to ethnical affiliation, race, age, sex, religion or sexual orientation of persons.

50. The Prison Administration of the Republic of Slovenia has no data on complaints, investigations, prosecutions and convictions in cases of torture and ill-treatment allegedly committed by staff employed in the prison system, except in cases where prisoners report criminal offences (e.g. file a complaint) at the prison authorities, the Director-General of the Prison Administration of the Republic of Slovenia or employees of the Prison Administration of the Republic of Slovenia in the case of internal supervision in prisons. If the alleged criminal offence is proved, this results in the extraordinary termination of the employee's employment contract (since 2010 there have been two such cases of extraordinary termination of employment contract).

Reply to paragraph 5 (b) of the list of issues

51. The Ministry of Labour, Family, Social Affairs and Equal Opportunities (the MDDSZ) provides data on domestic violence for 2016 disaggregated by age, type of violence, the relationship between the perpetrator and the victim, and sex. Data which are collected in the Social Database are kept by social work centres.

52. According to the national survey on violence against women in the private sphere and partner relationships (2010), every second woman in Slovenia (56.6%) has experienced at least one form of violence since turning 15. They most frequently experienced psychological violence (49.3%) followed by physical (23%) and property-related violence (14.1%), restriction of movement (13.9%) and sexual violence (6.5%). Most women who experienced domestic violence in the previous year were faced with psychological violence (49.9%) and a smaller share with physical (5.9%), sexual (1.5%), or property-related violence (7%), or the restriction of movement (6.1%). The survey also revealed that women experiencing violence are less healthy than women in the general population. They are more often stressed and suffer from anxiety or other disorders as a consequence of the

violence experienced by them. Most (90.8%) of the perpetrators of violence are males, and the great majority of victims are females.

53. Data from the Social Database show that each year around 2,000 persons are victims of domestic violence. Data have been kept since 2008, when the Domestic Violence Prevention Act (the ZPND)¹⁹ was adopted. Data for 2008 and 2009 have not been provided because they are not complete, as the data collection methodology was not yet finalised at that time.

<i>Total number of victims of domestic violence (Social Database)</i>								
<i>Year</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>2017</i>
Total	1 983	1 978	1 987	2 081	2 080	1 954	2 055	1.818*

* Data do not cover the entire year (up to 14 December 2017).

<i>Number of victims of domestic violence – children (Social Database)</i>								
<i>Year</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>2017</i>
Total	347	324	365	398	419	421	461	454*

* Data do not cover the entire year (up to 14 December 2017).

54. To protect victims of crimes (criminal offences and minor offences with elements of domestic violence), the police have imposed around 900 restraining orders on average annually. Data are disaggregated by sex and age of perpetrators and injured parties; data on ethnic affiliation are not collected for the reasons explained above.

<i>Number of restraining orders</i>								
	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>2017</i>	
Total	1 057	911	949	1 052	837	864	787	

		<i>Number of restraining orders</i>						
<i>Person (perpetrator, injured party)</i>	<i>Sex</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>2017</i>
Perpetrator	Male	996	863	898	1 010	800	830	741
	Female	37	31	34	36	30	28	30
Injured party-victim	Male	336	297	308	342	261	304	265
	Female	973	850	890	985	769	789	726

* Data for 2017 cover the period up to 27 November 2017.

55. The criminal offence of domestic violence under Article 191 of the KZ-1: in recent years, around 1,300 such criminal offences have been dealt with annually; the data on said offences are provided in the table below, presented by gender of the victim, covering the period from 2010 to 2018.

¹⁹ Official Gazette of the Republic of Slovenia [Uradni list RS], No. 16/08, 68/16 and 54/17 – the ZSV-H.

Number of criminal offences			Year								
Article	Description of the classification of the offence	Sex	2010	2011	2012	2013	2014	2015	2016	2017	2018
191	Domestic violence	Male	395	297	273	238	256	213	298	238	233
		Female	2 162	1 784	1 573	1 485	1 500	1 206	1 195	1 186	1 275

56. The criminal offence of neglect and maltreatment of minors under Article 192 of the KZ-1: the data on the number of such criminal offences dealt with annually, covering the period from 2010 to 2018, are provided in the table below.

Number of criminal offences			Year								
Article	Description of the classification of the offence		2010	2011	2012	2013	2014	2015	2016	2017	2018
192	Neglect and maltreatment of minors		704	651	697	623	528	433	495	469	540

57. Criminal offences with elements of sexual violence are covered in different Articles of the Criminal Code (the KZ-1), namely rape under Article 170 of the KZ-1, sexual violence under Article 171 of the KZ-1, sexual abuse of defenceless persons under Article 172 of the KZ-1, sexual assault on a person under fifteen years of age under Article 173 of the KZ-1, solicitation of persons under fifteen years of age for sexual purposes under Article 173a KZ-1, violation of sexual integrity through abuse of position under Article 174 KZ-1, and presentation, manufacture, possession and distribution of pornographic material under Article 176 of the KZ-1. The table below shows the number of criminal offences dealt with; the data are presented by article and gender of the victim and cover the period from 2010 to 2018.

Number of criminal offences			Year								
Article	Description of the classification of the offence	Sex	2010	2011	2012	2013	2014	2015	2016	2017	2018
170	Rape	Male	1	2	6	0	0	0	2	2	5
		Female	65	51	56	51	45	43	32	41	37
171	Sexual violence	Male	2	2	4	3	3	2	3	5	4
		Female	68	38	41	44	45	28	40	38	29
172	Sexual abuse of a defenceless person	Male	2	1	1	4	5	0	5	7	1
		Female	17	8	16	15	10	14	17	15	12
173	Sexual assault on a person under fifteen years of age	Male	24	17	17	28	24	23	25	21	8
		Female	223	202	149	145	94	61	106	93	87
173A	Solicitation of persons under fifteen years of age for sexual purposes	Male	0	0	0	0	0	0	1	1	1
		Female	0	0	0	0	0	5	8	2	2
174	Violation of sexual integrity through abuse of position	Male	2	1	5	2	0	1	2	0	0
		Female	19	18	16	28	3	12	6	6	7
176	Presentation, manufacture, possession and distribution of pornographic material	Male	5	12	8	10	31	29	27	53	17
		Female	10	66	18	15	29	31	44	69	91

58. The number of minor offences under the Protection of Public Order Act (the ZJRM-1)²⁰ with elements of domestic violence has been gradually decreasing over the years. Data on minor offences are disaggregated by gender and age of the perpetrator; the police began

²⁰ Official Gazette of the Republic of Slovenia [Uradni list RS], No. 70/06.

keeping data on injured parties as of 1 January 2018. This was due to the most recent amendment of the Police Tasks And Powers Act, in accordance with which, among other things, two new fields have been added to the record of minor offences: 1) personal data of injured parties and 2) the relation between the perpetrator and the injured party.

Sex	Number of violations – minor offences						
	2011	2012	2013	2014	2015	2016	2017
Male	2 942	2 788	2 645	2 495	2 272	2 226	1 975
Female	705	612	583	527	468	507	465
Total	3 647	3 400	3 228	3 022	2 740	2 733	2 440

* Data for 2017 cover the period up to 27 November 2017.

Reply to paragraph 5 (c) of the list of issues

59. The Crime Victim Compensation Act (the ZOZKD)²¹ governs the right to compensation for victims of violent intentional crimes and their relatives. It is based on Council Directive 2004/80/EC of 29 April 2004 relating to compensation to crime victims. The victim of a violent intentional crime (or their relative) may claim financial compensation under the conditions laid down in the aforementioned Act if the violent intentional crime committed against them is defined as a crime committed through a direct attack on life and body or through the use of force or through violation of sexual integrity, and punishable by a prison sentence of one year or more pursuant to the Criminal Code. Only applicants who are citizens of the Republic of Slovenia or any other EU Member State are entitled to compensation under the said Act. The Commission appointed by the Government of the Republic of Slovenia decides on granting compensation, and the Ministry of Justice performs expert and administrative and technical tasks for the Commission. Since the date of application of the ZOZKD (1 January 2006), no claims for compensation under the ZOZKD have been filed in respect of the criminal offence of torture under Article 135a of the KZ-1 (or Article 265 before the KZ-1B amendment).

Reply to paragraph 6 of the list of issues

60. In 2016, Slovenia drafted the Act Amending the Domestic Violence Prevention Act – the ZPND-A, which was published in the Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 68/16 of 4 November 2016. The changes mostly concerned the definition of family members, which is now broader; the definition of domestic violence was also broadened and a new form of violence added, i.e. stalking. A provision relating to the prohibition of corporal punishment of children was also added. The range of possible court measures was expanded, particularly measures to protect children. Special protection, i.e. an obligation to report suspicions of violence, was also introduced for persons who are not capable of taking care of themselves; this obligation is regulated in the same manner as in the case of children, which means that anyone and in particular professional healthcare staff and personnel working in care institutions and educational institutions, must – regardless of the provisions on the protection of business secrets – immediately inform a social work centre, the police or the State Prosecutor's Office where there is a suspicion that such person is a victim of violence. Such obligation is expressly imposed upon providers of content for children in sports and cultural associations. In addition, alternative forms of dispute resolution are prohibited in proceedings carried out in relation to any form of violence. All these regulatory measures (including those not explicitly mentioned above) have contributed to a better systemic regulation of the prevention and suppression of domestic violence.

61. Furthermore, numerous preventive activities have also been carried out in relation to the prevention of and response to domestic violence. A two-year national campaign *Vesna – živeti življenje brez nasilja* (Vesna – to live a life free of violence) was conducted from

²¹ Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 101/05, 86/10.

2013 to 2015. The most important goal of the campaign was to alert people to the issue of violence against women and girls and to raise the awareness of women who have experienced violence (and potential victims) and of experts and the general public. In 2016, the MDDSZ conducted a media campaign to raise awareness and provide information about the issue of domestic violence, focusing on violence against children. The purpose of the campaign was to raise public awareness of the importance of reporting domestic violence and violence against children. In 2018, four leaflets addressing the issue of domestic violence were produced (information for persons who have experienced violence and persons who cause violence, restraining orders, measures to ensure safety, free legal assistance, and the tasks of social work centres).

62. In 2017, the MDDSZ co-funded 38 violence prevention programmes, of which 27 programmes were included in the multi-annual co-funding scheme (for a period of 7 years), which ensures the stable functioning of the programme. Individual programmes take place in different locations or have several units.

63. Violence prevention programmes included 22 violence prevention programmes, under which beds were provided to users, involving seven women's shelters programmes, 14 programmes of safe houses, shelters and crisis centres, and one counselling programme of the Vizija Society – Violence against persons with disabilities. In addition, the MDDSZ co-financed 14 counselling services, two programmes for perpetrators of violence, one preventive programme for the prevention of violence against the elderly, and one telephone counselling programme. In 2017, a total of 11,474 persons were included in different violence prevention programmes, 1,300 services were provided to anonymous users, 3,500 persons were included in sub-programmes, and additional 1,400 services were provided. A total of 449 beds (146 rooms) were available under all programmes.

64. Co-funded violence prevention programmes:

- Women's shelters;
- Safe houses, shelters, crisis centres;
- Counselling for victims of violence;
- Programmes for perpetrators of violence;
- Preventive activities (violence against the elderly);
- Telephone counselling.

65. Measures also include the ratification of the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (hereinafter: the Istanbul Convention), which is the first international legal instrument to comprehensively cover the obligations of the State Parties to prevent violence against women, including domestic violence. The Republic of Slovenia signed the Istanbul Convention on 8 September 2011 (it was among the first to do so) and ratified it on 5 February 2015. The Convention binds its Parties to an integrated approach to violence against women and girls, including domestic violence, which includes the prevention of violence, victim protection and support, the prosecution of perpetrators and integrated and coordinated action. To effectively address these issues, an inter-ministerial working group has been established which is responsible for the co-ordination, implementation, monitoring and evaluation of policies and measures to prevent and combat all forms of violence covered by the Istanbul Convention.

66. Slovenia has also made great progress in the protection of children. It adopted the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (the Lanzarote Convention), which entered into force on 1 January 2014. This Convention is one of the key instruments of the Council of Europe in the fight against the sexual exploitation of children, which comprehensively regulates this issue, including the criminalisation of all sexual offences against children, the prosecution of perpetrators and the protection of victims.

67. The performance of police tasks in the area of domestic violence is one of the priority tasks of the Slovenian Police and has become a routine part of police work. The powers of the police in the area of domestic violence include:

- Monitoring and appropriately responding to reported cases of domestic violence that constitute a criminal offence or a minor offence;
- Investigation and the collection of information and evidence on a case-by-case basis;
- Further cooperation with other institutions within the professional assistance network (social work centres, health institutions, judicial authorities, counselling services, educational institutions, NGOs, etc.) During the direct investigation of such cases and the implementation of appropriate measures to protect victims, particularly children and other vulnerable groups (e.g. The elderly, persons with disabilities);
- Cooperation with institutions, including the academic sphere, regarding the exchange of best practices, the training of professional staff and the exchange of opinions.

68. All those who would like to help victims in any way (or are victims themselves) can find information on measures that can be taken by the police on the police website (the measures presented have been developed in cooperation with leading NGOs, which have been invited to attend the meeting of the Commission for Petitions, Human Rights and Equal Opportunities of the National Assembly of the Republic of Slovenia): <http://www.policija.si/index.php/preventiva-/preventiva/67685-nasilje-v-druini-informacije-o-postopku-na-policiji>.

69. Other information that may be of assistance to victims of violence has also been published in the form of two brochures:

- Sexual violence:
 - http://www.policija.si/images/stories/Publikacije/PDF/Spolno_nasilje.pdf.
- When I become a victim of a crime:
 - http://www.policija.si/images/stories/Publikacije/IMG/Ko_postanem_zrtev_KD_februar_2015.jpg.

Article 3

Reply to paragraph 7 (a) of the list of issues

70. Statistically speaking, in Slovenia “registered applications” are considered “received applications”.

71. In the period from 2011 to March 2018, a total of 4,903 applications for international protection were received in the Republic of Slovenia. By years:

- 2011: 358;
- 2012: 304;
- 2013: 272;
- 2014: 385;
- 2015: 277,
- 2016: 1308;
- 2017: 1476;
- 2018 (January–March): 523.

Reply to paragraph 7 (b) of the list of issues

72. Pursuant to the International Protection Act (the ZMZ-1)²², the Ministry of the Interior may require an applicant to stay in the area of the Asylum Centre in the following cases:

- To verify or establish their identity or citizenship if there is obvious doubt about this;
- To establish certain facts on which the application for international protection is based that could not be acquired without the imposed measure, and there is a danger that the applicant will abscond;
- When the applicant's movement is restricted due to the readmission procedure in accordance with the act governing the entry into, departure from and residence of foreigners in the Republic of Slovenia in order to carry out the readmission or removal procedure, and there are well-founded reasons to believe that the applicant has filed their application only to stay or impede removal, including the fact that they have already had an opportunity to apply for international protection;
- When a threat to the security of the country or the constitutional order of the Republic of Slovenia will thereby be prevented, or when this is necessary in order to protect people and property or for other comparable reasons related to public order;
- In accordance with Article 28 of Regulation (EU) No 604/2013 (when there is a significant risk of absconding, Member States may detain the person concerned in order to secure transfer procedures in accordance with this Regulation, on the basis of an individual assessment and only in so far as detention is proportional and other less coercive alternative measures cannot be applied effectively).

73. If, in an individual case, the competent authority establishes that it is not possible to effectively implement the measure of restriction of movement, or if an applicant arbitrarily leaves the area where they have been required to stay, the measure of having their movement restricted to the Centre for Foreigners may be imposed on the applicant if the applicant is not a minor or an unaccompanied minor.

<i>Number of measures/ Year</i>	<i>Restriction to the Asylum Centre</i>	<i>Restriction to the Centre for Foreigners</i>	<i>Total</i>
2011	3	39	42
2012	15	42	57
2013	14	49	63
2014	8	18	26
2015	2	17	19
2016	2	80	82
2017	2	46	48

Reply to paragraph 7 (c) of the list of issues

74. In the period from 2011 to (including) March 2018, a total of 4,903 applications for international protection were received in the Republic of Slovenia. By years:

- 2011: 358;
- 2012: 304;
- 2013: 272;
- 2014: 385;
- 2015: 277;

²² Official Gazette of the Republic of Slovenia [Uradni list RS], No. 16/17 – official consolidated version.

- 2016: 1,308;
- 2017: 1,476,
- 2018 (January–March): 523.

Reply to paragraph 7 (d) of the list of issues

75. Pursuant to the ZMZ-1, third-country nationals or stateless persons may apply for international protection in the Republic of Slovenia. We do not keep a record of grounds on which an applicant justifies their application.

Reply to paragraph 7 (e) of the list of issues

<i>Nationality</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>2017</i>	<i>2018</i>
Total	75	40	38	21	42	43	66
Romania	9	5	13	8	22	22	13
Bosnia and Herzegovina	10	8	4	3	3	3	10
Albania	5	1		2	4		8
North Macedonia	1	2	1	1	1	2	5
Austria							4
Afghanistan	4				3		3
Croatia	9					5	2
Serbia	8	3	3	3	3	1	2
Syria							2
Bulgaria		1	1		1	6	2
Iran			1				2
India							2
Iraq	3						2
Slovakia	5	3	4	3	1		1
Germany							1
Kosovo	6	4	6		1		1
Bangladesh	2						1
The Gambia							1
Czech Republic						1	1
Nigeria							1
Turkey			2				1
Ukraine	1				1		1
Senegal		1					
Algeria	1		1			1	
Sudan						1	
Lithuania	1	1					
Serbia and Montenegro	1	1					
Montenegro	1	1	1				
France	1					1	
NO DATA		1		1			
Pakistan	1						
Brazil		1					
Libya					1		
Morocco		3			1		
Kyrgyzstan	1						

<i>Nationality</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>2017</i>	<i>2018</i>
China	2						
Cuba	1						
Moldova	2						
Russia		4					

76. The table shows the number of foreigners who were physically removed from the Republic of Slovenia by the police in accordance with Article 69 of the Aliens Act in the period 2012–2018, upon issued return decisions. Aliens who returned voluntarily are not included in the data. The actual number of returned foreigners is generally less than the number of return decisions issued.

77. In the period from the adoption of the Foreigners Act in 2011 to 27 November 2017, the police have issued 1,772 return decisions with a specified time limit for return (the foreigner leaves the country by themselves within a specified time limit) and 1,235 return decisions without a specified time limit for return (the foreigner is removed from the country by the police). In issuing the latter, in accordance with Article 66 of the Aliens Act, the police also issue an entry ban to the foreigner for a period of six months to five years.

Reply to paragraph 8 of the list of issues

78. In the period considered, only one case of violence against a resident of the Asylum Centre was recorded. In that case, a person who had been granted international protection had a quarrel with an applicant for international protection. Minor material damage was also caused in that case. The perpetrator was found liable for disorderly conduct in accordance with the law.

79. Third persons, staff at the aforementioned institutions or police officers found no reports of violence against residents of the Asylum Centre and the Integration House. There have been conflicts between applicants, but they have been mostly resolved through mediation and the involvement of qualified experts.

80. A group which operates as part of the Government Office for the Support and Integration of Migrants has signed the agreement “Standard Operating Procedures for the Prevention of and Response to Sexual and Gender-Based Violence”. The main purpose of the agreement is to enable all assistance providers to join efforts in preventing sexual and gender-based violence. Since 2011, the group has dealt with 26 cases of sexual and domestic violence and 18 cases of suspected violence and child neglect and three cases of other forms of violence.

81. In accordance with the fourth indent of paragraph 1 of Article 84 of the ZMZ-1, the competent authority may require an applicant to stay in the area of the Asylum Centre when this is necessary in order to protect people and property or for other comparable reasons related to public order.

Reply to paragraph 9 (a) of the list of issues

82. To regulate the status of erased persons²³, in 2010 the Republic of Slovenia adopted the Act Amending the Act Regulating the Legal Status of Citizens of Former Yugoslavia Living in the Republic of Slovenia (the ZUSDDD-B)²⁴, which entered into force on 24 July 2010. The National Assembly passed the aforementioned act to finally regulate the legal status of erased persons. The act lays down the conditions under which a foreigner who was a citizen of another republic of the former SFRY on 25 June 1991 and who has not yet obtained a permanent residence permit in Slovenia may obtain a permanent residence permit regardless of the provisions of the Foreigners Act. Pursuant to the aforementioned

²³ The issue of “the erased” is comprehensively discussed in the Common Core Document of the Republic of Slovenia, which was published by the UN (document No. HRI/CORE/SVN/2014); points 266–270.

²⁴ Official Gazette of the Republic of Slovenia [Uradni list RS], No. 50/10.

Act, a permanent residence permit may also be obtained by erased persons who do not reside in Slovenia by reason of justifiable absence. Justifiable reasons set out in the Act also include cases where a person left Slovenia as a consequence of erasure, or left Slovenia because they were unable to obtain a residence permit in Slovenia, or was unable to return to Slovenia because of war conditions in other successor states to the SFRY, or was forcibly removed from Slovenia, or was refused entry into Slovenia. Under the ZUSDDD-B, a permanent residence permit may also be obtained by erased persons who have been living abroad for a justified reason, e.g. since 1992.

83. In order for all interested persons to become acquainted with the Act and file applications, the Ministry of the Interior has issued a brochure containing information on the Act in the Slovenian language and the four languages of the successor states to the SFRY. All language versions of the brochure were available online and at all administrative units in Slovenia and diplomatic missions and consular posts of the Republic of Slovenia in the successor states to the SFRY. The brochure was also distributed to NGOs.

Reply to paragraph 9 (b) of the list of issues

84. In addition to the right to financial compensation, the Act Regulating the Compensation for Damage Sustained as a Result of Erasure from the Register of Permanent Residents, which was adopted in 2013, governs the right to other forms of just satisfaction, including compensation for damage sustained. Other forms of just satisfaction enable or facilitate access to rights in various areas where it has been established in practice that facilitation would be useful or necessary. These include the payment of contributions for compulsory health insurance, inclusion and priority consideration in social assistance programmes, relief in the exercise of rights to public funds, state scholarships, equal treatment to that afforded to Slovenian citizens in resolving housing problems, access to the education system, and participation and priority treatment in integration programmes (i.e. programmes for faster integration into cultural, economic and social life in Slovenia).

Articles 5 and 7

Reply to paragraph 10 of the list of issues

85. In the stated period, the Republic of Slovenia did not reject any request by a third country for the extradition of an individual suspected of having committed a criminal offence of torture.

Article 10

Reply to paragraph 11 (a) of the list of issues

86. The Ministry of Health issued the Instructions for documenting data on remand prisoners and prisoners in medical records (letter No 160-103/2008-4 of 3 April 2009). The Ministry calls on all doctors who provide health services to remand prisoners and prisoners to appropriately record in their medical files all data relating to their health condition, with special emphasis on data on bodily injuries and their cause. The Ministry recommends that doctors comprehensively record a prisoner's statement, including their allegations about the cause of the injury; an important part of such record is the assessment of consistency between the ill-treatment alleged by the prisoner and the findings made during an objective medical examination.

87. Investigating and recording cases where torture is suspected of being committed by police officers is within the competence of the Specialised State Prosecutor's Office. Despite this, in 2013, as part of training on police management, police officers in charge of units, practical procedure and self-defence instructors, and future management staff were acquainted with the contents of the Istanbul Protocol. The emphasis was on the standards laid down in the Istanbul Protocol and the specific instructions on how to interview a person who might have experienced violence from the police, interview a victim, correctly

document signs of physical consequences of violence, etc., which must be taken into account by officers in charge of units.

88. The same year (2013) practical procedure and self-defence instructors were trained on the same content as part of regular training on the exercise of police powers, practical procedures and self-defence. By being familiar with the contents of the Istanbul Protocol, instructors who continuously train police officers may significantly contribute to raising the awareness of police officers about the importance of protection of human rights and freedoms, zero tolerance towards police violence, and the prescribed measures and sanctions for violations of human rights and freedoms.

89. In addition to the training described above, training on the aforementioned topics has been provided by the police for other institutions:

- In 2011 and 2013 training was provided for Ljubljana University Medical Centre personnel on detecting marks of a criminal offence on a victim/injured party;
- In 2011 training on the same topic was provided for Anaesthesiology Department personnel in Ljubljana;
- In 2012 participation in the meeting of traumatologists in Portorož;
- In 2014 training was provided at the hospital in Nova Gorica, in which health institutions from the region of Nova Gorica participated.

90. The aforementioned training focused on how to detect marks of a criminal offence on victims/injured parties and how to proceed in such cases (informing the police, how to act in order not to destroy any marks, what individual marks mean, etc.). The course covered victims of all criminal offences, including victims of torture, cruel treatment, etc.

Reply to paragraph 11 (b) of the list of issues

91. Police education and training are based on respect for human rights and fundamental freedoms as the main criteria and guiding principle in police procedures. Participants are encouraged to treat all persons in all circumstances in a dignified and respectful manner.

Reply to paragraph 11 (c) of the list of issues

92. An important part of the contents of the course 'Ethics and Human Rights', which is part of the training programme for police officers, refers to the gender-sensitive approach. The participants learn about the diversity of gender identity and stereotypical judgements associated with men and women. They are educated about unrealistic stereotypical beliefs and roles and encouraged to treat all persons equally.

93. The Criminal Police Directorate of Slovenia also employs female criminal police officers/investigators, who may become involved in the investigation (procedures with women, interviews, etc.) of criminal offences (human trafficking, prostitution, sexual violence, domestic violence, etc.) in which women are victims. Police training emphasises that, in such cases, procedures involving women should be performed by women.

94. The ZKP also lays down, for example, that a female may only be searched by a female.

95. As part of the programme of training for prison officers employed by the Prison Administration of the Republic of Slovenia, newly employed prison officers are required to participate in at least a three-hour training course entitled *Vsebinska, način in posebnosti dela z zaprtimi osebam ženskega spola* (The content, method and particularities of working with female prisoners). In the process of training, the participants are informed of recommendations – an excerpt from the 10th General Report (CPT/Inf (2000)13/), Chapter VII. Women deprived of their liberty. The training is carried out by the Director and the Head of the Security Section of the Ig Prison for Women. Training for new female prison officers at the female prison also focuses on teaching and informing about forms of work such as conversations, building good relations, cooperation with female convicts, and the omission of repressive measures where possible. Conflicts are usually resolved in a more lenient way than in male prisons, and the means of restraint used for women are less severe.

96. In prisons, in accordance with regulations, a gender-sensitive approach is also applied to certain forms of treatment of prisoners (supervision of a person in a separate room; security search of a person in the part involving touching the person; the person conducting a personal search of a prisoner is the same sex as the person who is searched, etc.). The female prison employs mainly female staff; in the prison, certain internal rules apply, prohibiting male employees from entering the sleeping and sanitary facilities for female convicts. These premises may, as a rule, only be entered by female prison officers; male prison officers may enter them only exceptionally, in cases of emergency.

97. To train staff in this field, the Prison Administration of the Republic of Slovenia has joined a project (the authority responsible for the project is the Ministry of Justice) which aims to assess the situation concerning the gender equality of prisoners and prepare possible further measures to ensure equal opportunities for prisoners, taking into account the gender perspective. This measure is part of the Resolution on the National Programme for Equal Opportunities for Women and Men, which is aimed at increasing the number of scientific research studies and analyses regarding gender equality. The expected results of the project are: 1. an analysis of gender (in)equality in prisons; 2. a collection of translations of key international documents and the application of principles arising from them in Slovenia; 3. obtaining information about and gaining an insight into the specific status of women in prisons, and 4. a plan to upgrade data collection within annual reports of the Prison Administration of the Republic of Slovenia (separate data collection on the basis of prisoner gender).

Reply to paragraph 12 of the list of issues

98. The ZPND provides for training for experts working in the field of domestic violence; Article 10 of the ZPND stipulates: (4) Professional staff in authorities and organisations who under the rules and procedures referred to in the preceding paragraph perform tasks in the field of violence shall, as part of their lifelong learning, self-improvement and training regularly educate themselves concerning particularly the prevention and detection of acts of violence, enforcement, judging and execution of sanctions for such acts of violence, equality between men and women, the needs and rights of victims and prevention of secondary victimisation in the extent defined by the competent ministers referred to in the preceding paragraph. (5) Responsible persons at authorities, organizations and non-governmental organizations shall provide training for all professional staff who deal occupationally with the victims or perpetrators of violence. (6) Judges and state prosecutors who deal occupationally with victims or perpetrations of violence, shall, as part of their lifelong learning, self-improvement and training, be bound to educate themselves regularly in the fields referred to in paragraph four of this Article.

99. In cooperation with other ministries, the ministry responsible for families is drafting a Resolution on the National Programme for the Prevention of Domestic Violence and Violence Against Women 2019–2024. An inter-ministerial working group has been formed. The Council of Europe is also participating in drafting the aforementioned document, providing strategic advice. The Resolution will also include awareness-raising and training for all those whose work includes dealing with the issues of domestic violence and violence against women.

100. The MDDSZ annually provides funding for the training of SWC professionals on domestic violence prevention. In 2017, a seminar *Delo z ogroženimi otroki in mladostniki* (Working with children and adolescents at risk) focusing on child sexual abuse was held for SWC professionals who work directly with children or adolescents.

101. The MDDSZ has also formulated various campaigns and educational and informative material to raise awareness and provide information about the issue of domestic violence.

102. For the list of campaigns carried out by MDDSZ see Annex 3, point 1.

103. The Police are carrying out a project of training for police officers and criminal investigators in the field of domestic violence on the basis of the train-the-trainer principle, which covers the entire country. The project focuses on training police officers, criminal investigators and senior police officers to improve their approach to dealing with domestic

violence cases and on raising the awareness of the general public about police procedures in cases of domestic violence. The main project is carried out by police officers and criminal investigators (with additional train-the-trainer training) who are highly trained and have extensive operational experience and detailed and in-depth knowledge of police procedures and the dynamics of domestic violence. They also have extensive knowledge of the functioning of government institutions and NGOs and the ability to transfer knowledge to others and motivate them, and, in addition to performing their regular tasks, would like to train less experienced police officers with a view to improving their conduct in dealing with domestic violence.

104. Police officers and criminal investigators in police directorates and stations in Slovenia carry out various preventive projects at educational institutions for children, adolescents and their parents (e.g. lectures and workshops), participate in professional training for professionals from official institutions (e.g. SWC professionals working with children and adolescents) and experts from the non-governmental sector (e.g. providing training for the professionals of the Association SOS Helpline, participating in the consultation of the Association SOS Helpline). The police constantly raise public awareness about violence against women, children and other vulnerable groups. They enhance their activities aimed at prevention and provision of information on international days for the elimination of violence (the end of November, the beginning of December).

105. On its website Policija.si, the Police have published information on domestic violence and the police procedure in the case of domestic violence in Slovenian and English. The information is intended for the public, teaching it what violence is, what police procedures are used in such cases, what victims can do by themselves, etc.

106. In the field of justice, the Judicial Training Centre (CIP) organises and conducts various forms of continuous training for judges, state prosecutors, state attorneys, judicial advisers, judicial assistants, court staff and other employees of judicial authorities.

107. Training is provided in the form of seminars, lectures, workshops, school for judges, state prosecutors and state attorneys, round tables and panels, consultations, simulations of main hearings and other appropriate forms of training.

108. For the information in regard of training courses carried out by Judicial Training Centre see Annex 3, point 2.

Reply to paragraph 13 of the list of issues

109. Regular training of employees in state authorities whose work is related to the issue of trafficking in human beings is carried out based on two-year action plans approved by the Slovenian Government.

110. With regard to human trafficking, the police ensure the professional competence of all those involved in this field by regularly educating police officers and criminal investigators involved in combating human trafficking. Training in cooperation with non-governmental organisations and judicial authorities is carried out on several levels, for example, regular training for investigators and trainers for trainers, based on a verified programme within the Police Academy.

111. For detailed list of various trainings carried out on the area of combating human trafficking see Annex 3, point 3.

Article 11

Reply to paragraph 14 of the list of issues

112. In Slovenia, respect for human personality and dignity is guaranteed in criminal and in all other legal proceedings, as well as during the deprivation of liberty and enforcement of punitive sanctions, on the basis of the Constitution. Violence of any form against any person whose freedom has been restricted in any way is prohibited. A person against whom the criminal sanction is enforced must not be tortured or otherwise subjected to cruel,

inhuman or degrading treatment in any other way. If a person has been treated this way, they must be provided with judicial protection (Article 83 of the ZIKS-1²⁵).

113. Convicted persons must be treated humanely, their personal dignity must be respected and their physical and mental integrity protected. Convicted persons must be provided with adequate health care, and with their consent also treatment for alcohol or drug addiction (paragraph 4 of Article 85 of the KZ-1).

114. On 10 March 2013, the Prison Administration adopted the European Code of Ethics for Prison Staff, which was adopted as Recommendation CM/Rec(2012)5 by the Committee of Ministers on 12 April 2012 at the 1140th meeting of the Committee of Ministers' Deputies. This Code is translated into Slovenian and is an integral part of the training course for new prison officers working in the prison system. The Code is also used in the selection and recruitment procedures in the prison system.

115. Slovenia wishes to point out that the Manual for Police Interrogation (231-94/2010/11 (22-06) of 27 January 2012) was produced and several training courses for police officers were held.

116. The Notice "Modification of the forms Performance of tasks during detention/custody – official note and Official note on production – notice" (Doc. No.: 007-130/2012/60 (207-06) of 18 March 2015) is intended particularly for changes relating to the provision of a higher level of rights of persons in detention/custody, which is also in line with the ZNPPol²⁶ and the amendments to the ZKP. Documenting police procedures and actions from arrest to production or release is emphasised.

Articles 12 and 13

Reply to paragraph 15 of the list of issues

117. At its meeting on 6 December 2016, the Committee of Ministers of the Council of Europe, which supervises the execution of judgments of the European Court of Human Rights (OMN-DH), adopted a final resolution in the Lukenda group of cases v. Slovenia (23032/02), which refers to the right to trial within a reasonable time. In 264 judgments (mostly dating to 2006 and 2007), the ECHR established the violation of Article 6 of the European Convention of Human Rights (in some cases also in conjunction with Article 13 – Right to an effective remedy) by the Republic of Slovenia.

118. Based on the revised action report on the measures adopted in order to give effect to the judgements from the Lukenda group of cases of 28 October 2016²⁷, the Secretariat of the Council of Europe assessed that the legislative, organisational, information and other measures adopted by the Slovenian Government eliminated the backlog of cases, thereby ensuring access to trial within a reasonable time as provided for in the Convention.

119. A favourable trend in the elimination of court backlogs is evident from court statistics²⁸.

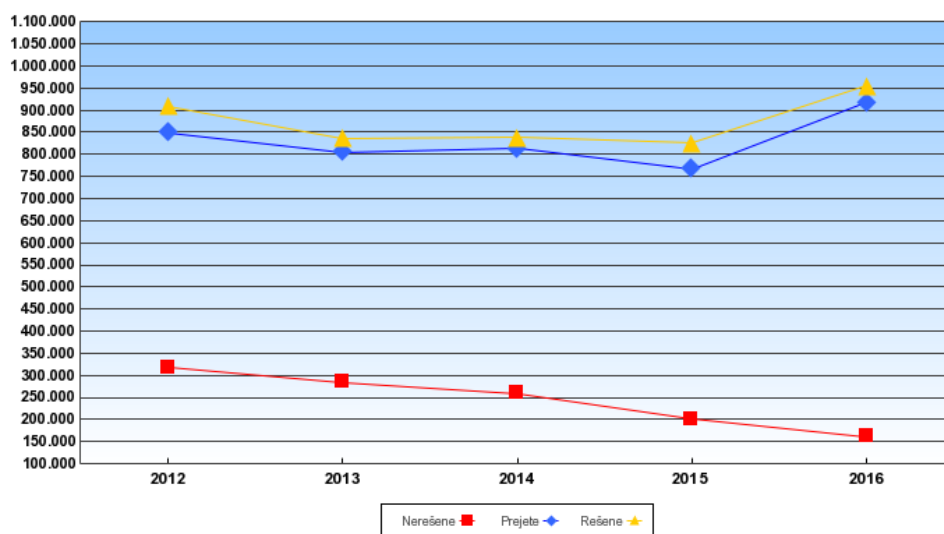
²⁵ Enforcement of Criminal Sanctions Act (Official Gazette of the Republic of Slovenia [Uradni list RS], No. 110/06 – official consolidated version, 76/08, 40/09, 9/11 – ZP-1G, 96/12 – ZPIZ-2, 109/12, 54/15 and 11/18).

²⁶ Police Tasks and Powers Act (Official Gazette of the Republic of Slovenia [Uradni list RS], No. 15/13, 23/15 – corr. and 10/17).

²⁷ <https://rm.coe.int/16806b7ee1>.

²⁸ http://www.mp.gov.si/si/obrazci_evidence_mnenja_storitve/uporabni_seznami_imeniki_in_evidence/sodna_statistika/.

Chart: All cases



120. On 10 April 2017, the European Commission²⁹ published its 2016 EU Justice Scoreboard³⁰ on the functioning of judicial systems in EU Member States. The Justice Scoreboard serves as an external supervisory mechanism that enables internationally comparable assessments of the state of the judicial system and access to courts in Slovenia.

121. According to the 2016 Justice Scoreboard, Slovenia and the Slovenian justice system remains within the European average with respect to the majority of indicators being monitored. As an example of the excellent state of affairs we can highlight the timing standards first adopted in 2016, which are a new administrative tool for court presidents. Slovenia received a maximum score for timing standards.

122. Slovenia is still a top-ranking country in terms of incoming caseload, however, the time for resolving cases and the number of pending cases continue to decrease, as is evident since at least 2010. The positive trend of the overall efficiency of Slovenia's justice system continues to increase.

123. The data from the Justice Scoreboard clearly show that Slovenia's justice system (especially the length of proceedings, the concentration of proceedings, etc.) improved and that the right to trial within a reasonable time and court backlogs are no longer a systemic problem in Slovenia.

Probation

124. Slovenia's criminal justice system has promoted various alternative forms of imprisonment for many years. In addition to the goal of integrating prisoners into the community, community service has an impact in lowering the incarceration rate. In accordance with the current legislation, these measures relate to weekend jail, house arrest and community service, which are already used in practice. Prison occupancy is also affected by the possibility of conditional release, early release and pardon.

125. The Probation Act (ZPro)³¹ was adopted on 24 May 2017 and entered into force on 17 June 2017. This Act is the basis for the establishment of the Probation Administration of the Republic of Slovenia (UPRO). The establishment of a specialised body for the enforcement of community service is set out in the Resolution on the national programme for the prevention and suppression of crime 2007–2011 and 2012–2016. In July 2016, the Slovenian Government adopted the Action Plan for the Establishment of a Probation Service with a proposal for the required institutional and regulatory changes, which was the basis for drafting the Probation Act. The establishment of the UPRO also fulfils the

²⁹ http://www.mp.gov.si/si/medijsko_sredisce/novica/article/12447/7398/.

³⁰ http://ec.europa.eu/justice/effective-justice/scoreboard/index_en.htm.

³¹ Official Gazette of the Republic of Slovenia [Uradni list RS], No. 27/17.

objective of reducing prison overcrowding. The UPRO started operating on 1 April 2018. The purpose of the probation service is to increase the use of community sentences and thus to unburden Slovenia's prison system, to deal comprehensively with convicted persons and to reduce recidivism by establishing positive relationships with perpetrators, thereby ensuring the safety of society. The UPRO combines the functions performed so far by various authorities, such as social work centres, the prosecutor's office, the police and prisons. The purpose of probation is for the sanctioned person to remain in the environment where they live and work, but at the same time they are limited by the fact that they have to fulfil certain obligations. The establishment of the UPRO is expected to increase the enforcement of alternative sanctions.

126. Detailed data on the number of prisoners, remand prisoners and alternative measures are in Annex 4.

Reply to paragraph 16 of the list of issues

127. On 2 November 2017, the ECHR issued a decision (59522/10) in which Slovenia admitted to violating the European Convention on Human Rights and paid compensation to relatives (See Annex 5).

128. Regarding the concerns about the impartiality of investigations in alleged torture cases by the police, we clarify that, in 2007, the responsibility for investigating and prosecuting the police officers suspected of committing a criminal offence was transferred from the Police to a special section within the Office of the State Prosecutor General of the Republic of Slovenia, based on the decisions of the Constitutional Court of the Republic of Slovenia³² and the ECHR³³. This institutional change was made precisely to ensure an independent investigation of crimes by police officers and officials with similar authority. The purpose of establishing the special section is to grant it exclusive territorial and subject-matter jurisdiction to prosecute all criminal offences committed by officials employed by the police, including criminal offences committed by officials in their spare time and unrelated to the performance of official duties. It is the duty of the Police to inform the special section of any cases where there are grounds to suspect that an official employed by the Police has committed a criminal offence for which the perpetrator is prosecuted *ex officio*.

129. This provides for sufficient institutional separation so that the allegation of possible ineffective investigation is not justified on grounds of impartiality.

130. As regards the right to a prompt and impartial trial, the answer is provided under point 15.

Reply to paragraph 17 of the list of issues

131. The issue of keeping records of perpetrators by nationality, sex and age is explained in detail in the answer under point 5.

132. Table 1 shows a general statistical overview of the following criminal offences: the criminal offence of torture under Article 135a of the KZ-1 (Article 265 of the KZ-1 before the KZ-1B amendment) and other criminal offences containing signs of cruel, inhuman or degrading treatment (criminal offences under Article 267 of the KZ-1 or Article 271 of the KZ and Article 266 of the KZ-1 or Article 270 of the KZ) by individual prosecutor's office for the period from 1 January 2010 to 17 November 2017:

<i>Prosecutor's office/event</i>	<i>Special section</i>	<i>Specialised state prosecutor's office</i>	<i>Other prosecutor's offices</i>
Criminal complaint	18	2	148
Criminal complaint resolved in a different way	1		8

³² Decisions of the Constitutional Court of the Republic of Slovenia No. Up-555/03 and Up-827/04 of 6 July 2006, Official Gazette of the Republic of Slovenia [Uradni list RS], No. 78/2006 and Constitutional Court Decision XV, 92.

³³ *Matko v. Slovenia*, No. 43393/98 of 2 November 2006.

<i>Prosecutor's office/event</i>	<i>Special section</i>	<i>Specialised state prosecutor's office</i>	<i>Other prosecutor's offices</i>
Request for investigation		2	4
Decision rejecting the criminal complaint	20		143
Indictment	1	2	9
Withdrawal from prosecution	1		1
Total resolved	23	4	165

133. Table 2 shows only data for the Special Section by year. In 2016 and 2017, the Special Section did not deal with any criminal offences that contained signs of cruel, inhuman or degrading treatment:

<i>Year /events</i>	<i>Criminal complaint</i>	<i>Criminal complaint resolved in a different way</i>	<i>Decision rejecting the criminal complaint</i>	<i>Indictment</i>	<i>Withdrawal from prosecution</i>	<i>Judgements</i>		
						<i>Conviction</i>	<i>Acquittal</i>	<i>Rejection</i>
2010	3		3		1	4	4	1
2011	2		3	1		1	1	6
2012	5		5			1	2	3
2013	2	1	1				2	
2014	1		1					
2015	5		7					

134. In 2006–2014, there were 5 cases of extraordinary termination of employment contracts, 3 of which were set aside by a higher instance decision.

Article 14

Reply to paragraph 18 of the list of issues

135. According to the provisions of Chapter X of the ZKP, a victim of a criminal offence may in the course of criminal proceedings seek compensation from the perpetrator through a compensation claim.

- Such a claim is dealt with as part of the criminal procedure, provided that its consideration does not unduly prolong the procedure.
- The compensation claim has to be filed with the authority with which a criminal complaint is filed or with the court conducting the criminal proceedings prior to the end of the main hearing in the first instance court.
- In its judgment, the court may grant compensation in full or in part and may refer the victim to claim the remainder or any other compensation in civil proceedings. The court may also refer the injured party or victim to bring an action for the entire compensation amount. In practice, these are most common cases.

136. If the injured parties (victims) do not file a compensation claim, which is generally not the case in human trafficking criminal offences, the court seizes the proceeds by a judgment and pays them directly into Slovenia's budget.

137. In order to pay compensation to victims of crime, the legislators in Slovenia adopted the Compensation to Victims of Crime Act³⁴. Article 4 of the Act defines who is eligible for compensation, Article 5 defines the formal conditions and Article 6 the material conditions; the Act also applies to the victims of human trafficking.

³⁴ The Compensation to Victims of Crime Act is the result of direct transposition of Council Directive 2004/80/EC of 29 April 2004 relating to compensation to crime victims.

138. In the process of identifying and further accommodation of victims of human trafficking, provided by law enforcement authorities and non-governmental and humanitarian organisations on the basis of contracts, victims of human trafficking are fully informed of the rights to which they are entitled via assistance to victims of human trafficking as well as about the rights and possibilities to claim compensation.

139. The following is an explanation of the reasons why, in practice, victims of human trafficking do not seek compensation. Despite the abovementioned legal options, only two victims have so far filed a compensation claim, both in the last three years. These proceedings are still pending.

140. According to prosecutors working on cases of human trafficking and NGOs, the reasons for this lie in the victim's psyche and their perception of being a victim of human trafficking or identifying themselves as one. In most cases before the Slovenian courts, the victim of human trafficking does not feel harmed because they do not recognise themselves as a victim. However, in cases where the victim recognises themselves as such and participates as a witness in criminal proceedings, the victim has a negative attitude towards receiving compensation and is conflicted over the nature of personal pride and dignity.

Reply to paragraph 19 of the list of issues

141. In 2013, Slovenia adopted a special act regulating compensation for damage for the erased persons, i.e. the Act Regulating Compensation for Damage Sustained as a Result of Erasure from the Register of Permanent Residents (ZPŠOIRSP)³⁵. The Act is presented in greater detail in paragraphs 269 and 270 of Slovenia's Common Core Document (UN code HRI/CORE/SVN/2014).

142. During the legislative procedure, the range of beneficiaries was expanded. In addition to the erased persons who obtained permanent residence permits or were granted Slovenian citizenship following erasure, the beneficiaries of compensation now include erased persons who tried to regularise their status in Slovenia but saw their applications for permanent residence permits or Slovenian citizenship rejected or dismissed or the application procedure stayed. Such an expansion of the range of beneficiaries is also in line with the judgement of the ECHR Grand Chamber in the case of *Kurić and Others v. Slovenia* and the recommendation of the Committee of Ministers' Deputies of the Council of Europe. The beneficiaries were defined in line with the assessment of the ECHR Grand Chamber in the case of *Kurić and Others v. Slovenia* as to which of the applicants were victims of violations and were awarded compensation for non-pecuniary damage by the Court. According to the ECHR Grand Chamber, the applications of two applicants who at no time following erasure had applied for a residence permit nor in any manner manifested their wish to reside in Slovenia were unfounded, as they failed to show sufficient interest in their situation or exhaust all domestic remedies in Slovenia that were available at the time under the existing legislation. Consequently, it did not award them compensation.

143. As regards damage caused by erasure, the Act provides for the right to financial compensation and entitlement to other forms of just satisfaction to compensate for the damage suffered. The purpose of the Act is to enable the beneficiaries to quickly and effectively achieve just satisfaction; it therefore determines that beneficiaries can claim financial compensation in an administrative procedure (in which compensation is set as a lump sum of EUR 50 for each month of erasure and in which the beneficiary does not have to prove a causal link between erasure and the damage incurred) and, at the same time, recognises other types of just satisfaction. In addition to claiming financial compensation in an administrative procedure, beneficiaries have the right to claim financial compensation in judicial proceedings. It is for the beneficiary to decide in which proceedings – administrative or judicial or both – they will claim compensation. A beneficiary who believes that the damage incurred as a result of erasure exceeds the amount to be awarded in the administrative procedure may file an action for damages in judicial proceedings.

³⁵ Official Gazette of the Republic of Slovenia [Uradni list RS], No. 99/13 and 24/18 – Constitutional Court Decision (ZPŠOIRSP).

144. Other forms of just satisfaction enable or facilitate access to rights in various areas where it has been established in practice that facilitation would be useful or necessary. These include the payment of contributions for compulsory health insurance, inclusion and priority consideration in social assistance programmes, relief in exercising rights to public funds, state scholarships, equal treatment to that afforded to Slovenian citizens in obtaining housing, access to the education system, and participation and priority treatment in integration programmes (i.e. programmes for faster integration into cultural, economic and social life in Slovenia).

145. A final resolution in the case of *Kurić and Others v. Slovenia* was adopted by the Committee of Ministers, which supervises the execution of final judgments of the ECHR, on 25 May 2016 at the 1,257th meeting of the Ministers' Deputies. Having examined the action report indicating the measures adopted in order to give effect to the judgments, the Committee of Ministers found that the Republic of Slovenia had satisfied all obligations under the ECHR Grand Chamber judgments of 26 June 2012 and 12 March 2014 regarding both individual measures addressed to the applicants and general measures. By adopting the ZPŠOIRSP, Slovenia had met the obligations regarding general measures under the pilot judgment. The Committee of Ministers of the Council of Europe therefore decided to close the examination in the case of *Kurić and Others v. Slovenia*.

146. The ECHR decided on the case of *Anastasov and Others v. Slovenia* (application No. 65020/13) on 17 November 2016. These applicants erased from the Permanent Population Register lodged an application with the ECHR in October 2013. The ECHR decided to strike the application lodged on behalf of 212 applicants from its lists of cases and close the pilot judgment procedure initiated in the case of *Kurić and Others v. Slovenia*. It assessed that appropriate arrangements concerning compensation for the erased in Slovenia were in place and was satisfied with the implementation of the Act in practice. According to the ECHR, erased persons who regularised their legal status in Slovenia (in the case in question 212 applicants) have reasonable prospects of receiving compensation for the damage sustained from the erasure. According to the ECHR, the issue of compensation for the erased persons was resolved at the national level; furthermore, the Court found no special circumstances regarding respect for human rights which required the continued examination of the case.

147. At the request of several courts, the Constitutional Court of the Republic of Slovenia issued Decision No. U-I-80/16-36, U-I-166/16-28, U-I-173/16-33 of 15 March 2018, published in the Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 24 of 13 April 2018, in which it ruled on the constitutionality of Article 12 of the ZPŠOIRSP, which limits the total amount of financial compensation that a court may award in judicial proceedings for damage incurred by erasure (the total amount of financial compensation is limited to three times the amount of financial compensation that may be awarded to the beneficiary in an administrative procedure). In its decision, the Constitutional Court annulled Article 12 of the ZPŠOIRSP with immediate effect for those erased persons or injured parties who filed compensation claims before the application of the ZPŠOIRSP (i.e. before 18 June 2014) and whose claims had not been statute barred until then, whereas for other injured parties, the Constitutional Court allowed the legislators to adopt, within 9 months of the publication of its decision in the Official Gazette of the Republic of Slovenia, a new legal regulation that will allow an individual assessment of the position of an individual injured party. If a new legal regulation is not adopted within the set deadline, Article 12 of the ZPŠOIRSP will be annulled also for other injured parties (that is the injured parties who did not file a compensation claim before 18 June 2014). The Constitutional Court also ruled that the courts must suspend court proceedings in which the injured parties filed claims against the Republic of Slovenia under Article 10 of ZPŠOIRSP until the new legal regulation enters into force or at the latest until the expiry of the nine-month period.

Article 16

Reply to paragraph 20 (a) of the list of issues

148. The Mental Health Act (ZDZdr)³⁶ provides, among other things, that all involuntary admissions to a psychiatric hospital be decided by a court. Article 61 of the ZDZdr stipulates that the procedure of admission without consent shall be initiated by the court ex officio upon having received a notification from the director of the psychiatric hospital concerning the admission of such person, and paragraph 1 of article 59 of the ZDZdr stipulates that the director of the psychiatric hospital shall inform the court immediately of any involuntary admission. The procedure of admission without consent shall be initiated by the court ex officio also in all other cases when involuntary admission becomes known to the court in any other way.

149. The ZDZdr defines the right of a person who is involuntarily committed to a psychiatric hospital to a lawyer in proceedings before a court (Article 31) and the right to a special mental health advocate (Article 12). Paragraph 1 of Article 13 provides, among other things, that the right to a mental health advocate should not be restricted, and paragraph 4 of Article 27 lays down that the providers of mental health programmes and services must allow a person's mental health advocate access to the patient in all rooms where treatment is performed.

150. In accordance with the Act Ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment³⁷, the powers and duties of the national preventive mechanism (NPM) are exercised by the Human Rights Ombudsman of the Republic of Slovenia and, in agreement with them, by non-governmental organisations. Since 2008, the NPM has carried out 2–3 visits to psychiatric hospitals each year, checking the staff's treatment of patients in psychiatric hospital wards under special supervision and reporting on their findings during each visit. The NPM publishes its annual report in print and on its website in Slovenian and English. In Slovenia, there are five independent psychiatric hospitals and the Department of Psychiatry with a Forensic Psychiatry Unit within the Maribor University Medical Centre. This means that there is no special ward in Slovenia under the supervision of a psychiatric hospital that had not been visited several times during the ten years of the NPM's operation (i.e. 2008–2018). The final report on each such visit presents any identified deficiencies and/or proposed improvements and makes recommendations for improving the effectiveness of human rights protection. The NPM submits final reports to the competent ministries, which each give their opinion. In addition to regular monitoring visits, in 2016 the NPM began content-specific visits, meaning that it carried out planned oversight of a particular element, e.g. patients spending quality time in a psychiatric hospital ward under special supervision over the weekend.

151. Based on the NPM's reports, the Ministry of Health actively works to help remedy the deficiencies within its powers upon becoming aware that certain deficiencies have appeared in several hospitals. Therefore, based on the NPM's reports, the Ministry of Health called on the Expanded Professional Board of Psychiatry to consider the adequacy of the professional guidelines for the application of special protective measures; as a result of this initiative, new professional guidelines were adopted in 2018.

Reply to paragraph 20 (b) of the list of issues

152. For data, see Annex 6.

³⁶ Official Gazette of the Republic of Slovenia [Uradni list RS], Nos. 77/08 and 46/15 – Constitutional Court Decision (ZDZdr).

³⁷ Official Gazette of the Republic of Slovenia [Uradni list RS], No. 114/2006 – IT, No. 20 of 9 November 2006.

Reply to paragraph 20 (c) of the list of issues

153. Article 9 of the ZDZdr provides that specific treatment methods may be used only exceptionally and under the conditions defined by law. Thus, the following conditions for electroconvulsive treatment are defined in paragraph 5 of Article 9 of the Act:

- Written consent of the person or their guardian;
- An affirmative independent opinion on the need and consequences of such treatment by a non-treating psychiatrist who is not a member of the medical team;
- No other effective treatment methods are available in order to provide adequate medical care;
- This is absolutely necessary for the person's treatment; and
- The expected benefits outweigh the foreseeable risks and burden of the proposed treatment.

154. Electroconvulsive therapy is not performed in Slovenia, therefore the patients who meet these conditions are sent abroad. In 2013, there were 6 cases of electroconvulsive therapy conducted in Zagreb, Croatia. In 2014 and 2015, such treatment was not approved for any patients, whereas in 2016 and 2017 there was 1 consenting patient who was referred for electroconvulsive therapy in Zagreb in each year.

155. In the ten years of implementing the ZDZdr, no complaint regarding electroconvulsive therapy was received, because patients cannot be referred for such treatment without their informed consent and because this measure is not being implemented in Slovenia.

156. Paragraph 6 of Article 9 of the ZDZdr regulates the use of psychotropic drugs in dosages exceeding the maximum prescribed dosage. Such treatment is allowed subject to the following conditions:

- Written consent of the person or their guardian;
- No other effective treatment methods are available in order to provide adequate medical care; and
- This is absolutely necessary for the person's treatment.

157. In an emergency, treatment using psychotropic drugs exceeding the maximum recommended dosage may be started without meeting the above conditions; however, within one day of commencing treatment, the director must be notified thereof in order to appoint a medical team, who will check the appropriateness of treatment. The medical team consists of at least three psychiatrists and at least one member of the team who is not employed at the hospital where the person is being treated and who did not treat that person (an independent psychiatrist).

158. In 2013, there were no cases of treatment using psychotropic drugs in dosages exceeding the maximum recommended dosage in Slovenia. In 2014, this type of treatment was performed five times with the patients' consent, in 2015 once, while in 2016 and 2017 the specific treatment method of using psychotropic drugs in dosages exceeding the maximum recommended dosage was not used.

159. Due to the definition of the procedure and conditions for the use of psychotropic drugs in dosages exceeding the maximum recommended dosage in the ZDZdr, the Ministry of Health received an initiative to reconsider such regulation or the possible impact of this regulation on the possible treatment with several different drugs so that the treatment provider could avoid exceeding the maximum recommended dosage.

160. The Ministry of Health has begun to amend the ZDZdr and will, in cooperation with representatives of the profession and other stakeholders in mental health, review and, if necessary, amend Article 9, which regulates specific treatment methods.

Reply to paragraph 21 of the list of issues

161. A detailed answer is given in point 5. In the past, it was explained, also with material, that such research can be independently carried out by scientific or research organisations and non-governmental organisations; non-governmental organisations did not identify any discrimination against Roma community members in police and legal procedures.

162. For many years, police have been noticing the problem of children running away to other family communities and in the past have carried out activities to deal with cases more effectively. Police officers were also informed of the problem and received guidance and recommendations on how to handle such cases. Within the General Police Directorate, there is a permanent working group on working in a multicultural society with the aim of improving such procedures. Through the Office for National Minorities, which took over the coordination of activities, we recognised the importance of interinstitutional integration for the prevention and treatment of individual cases of early and forced marriages. The Office is also responsible for the measure for Roma 2017–2021 under the following working title: Formulation of a protocol in procedures for dealing with cases of cohabitation with minors. A police representative from the Research and Social Skills Centre at the Police Academy, General Police Directorate, delivers lectures for justice employees (for judges and prosecutors) in cooperation with the Judicial Training Centre. The lectures have the following working title: Challenges in work with the Roma community and its specifics. Police representatives actively participated in the national consultation on this issue, which was the basis for the following regional consultations: *Minors running away to harmful environments – early marriages of Roma children* and *More successful together – forced marriages of Roma children*. Lectures and workshops also cover the topic of recognising and understanding the Roma culture and, consequently, understanding ethnically motivated crimes.

Reply to paragraph 22 of the list of issues

163. In investigating the appearance of posters with the slogan “Cigani raus” (Gypsies Get Out) in Lendava, the police began to investigate the circumstances of the suspected criminal offence of public incitement to hatred, violence or intolerance pursuant to paragraph 1 of Article 297 of the KZ-1 and filed a criminal complaint with the District State Prosecutor’s Office in Murska Sobota against three persons (two minors) for the suspicion of having committed that criminal offence. In the case concerned, the police filed a criminal complaint against two minors for the criminal offence of public incitement to hatred, violence or intolerance pursuant to Article 297 of the KZ-1 and one adult for having supported said criminal offence. A ruling concerning the punitive order was rendered against the adult, in which the suspect was given a suspended sentence of two months imprisonment with one-year probation. Both minors were subject to deferred prosecution. The prosecutor imposed a community sentence on the two minors. After both minors carried out community service, the state prosecutor dismissed the criminal complaint against them.

164. With the aim of improving cooperation with the Roma community, the police carries out the project titled “Raising the awareness of public officials, the Roma and the general public in order to overcome barriers and improve the quality of coexistence – SKUPA-J”, organised in the context of the European Commission (DG Justice) calls for proposal under the PROGRESS (2007–2013) programme.

165. The purpose of the project is:

- To achieve a better understanding of cultural differences and to overcome stereotypes and prejudices by raising awareness and educating public employees working with Roma, Roma community members and the general public;
- To upgrade and develop the existing policies to eliminate discrimination against the Roma and promote their equality, as well as to promote the dissemination of information on European and national policy and legislation regarding non-discrimination of Roma;

- To combine several good practices regarding the integration of Roma children in schools, awareness raising and strengthening the role of Roma women.

166. Workshops are carried out for public employees in areas where the Roma ethnic community lives to identify and prevent intolerance with special emphasis on acquisition of social skills and recognition of concepts such as prejudices, stereotypes and xenophobia. For public employees working with Roma community members, knowing the basics of the Romani language is very useful, as it helps them overcome many communication and social obstacles. In cooperation with lecturers and native speakers of the Romani language, the basics of communication in the Romani language, as well as the most important and commonly used words and phrases, etc. are presented to public employees. As part of the project, six basic Romani language courses were held for SWC staff and police officers in the areas where the Roma community lives. In one of the Roma settlements in Dolenjska, a mobile classroom equipped with toys, didactic materials and technical equipment was set up, where two educators teach Roma children Slovenian through play³⁸.

167. In accordance with the 2017 Annual Plan, training is held for police officers and other public employees who, within the scope of their duties, deal with Roma community members. The aforementioned tasks of the police were transferred from the National Programme of Measures for the Roma for 2016–2021.

168. In the first ten months, the following activities to accomplish the planned tasks in the Annual Plan took place:

- Training was held for 149 police officers;
- As many as 4 training courses were held for public employees who, within the scope of their duties, deal and cooperate with Roma community members, i.e. training in Pomurje (SWC staff, schools, local communities, etc.) in the municipality of Ribnica (SWC staff, schools, local communities, municipal wardens, etc.), teachers of the primary school in Šentjernej and SWC staff from the Nova Gorica Police Directorate area. A total of 104 public employees participated in the training.

169. Training is carried out in accordance with the Police Academy's verified programme "Awareness of stereotypes, prejudice management and prevention of discrimination in policing in a multicultural society".

170. The police will carry out such activities throughout the duration of the National Programme of Measures for the Roma until 2021.

Adoption of the National Programme of Measures for the Roma of the Government of the Republic of Slovenia for 2017–2021

171. Pursuant to the Roma Community in the Republic of Slovenia Act³⁹, in May 2017 the Slovenian Government adopted the National Programme of Measures for the Roma for 2017–2021 (hereinafter: NPUR 2017–2021). The goals of the NPUR 2017–2021 include improving the status of the Roma, promoting their social integration and reducing the social exclusion of Roma community members in all those areas where it is deemed necessary based on the previous experience of national authorities, municipalities, the Roma community and civil society organisations. The measures concern various areas of social life with an emphasis on raising the education level, reducing unemployment, improving health care and living conditions, eliminating prejudices, stereotypes and discrimination, preserving the Roma culture, language and identity, and promoting informative endeavours and publishing among the Roma community. The NPUR 2017–2021 envisages awareness raising and anti-discrimination measures, including training for public employees who, within the scope of their duties, work with Roma community members, awareness raising activities for police officers and other employees of the Police focusing on their work in a Roma community and policing activities in that community.

³⁸ Detailed information and activities of the SKUPA-J project are published on the Police website at: <http://www.policija.si/index.php/component/content/article/216-projekti/71995-projekt-skupaj-za-krepitev-integracije-romskih-skupnosti>.

³⁹ Official Gazette of the Republic of Slovenia [Uradni list RS], No. 33/07, hereinafter: ZRomS-1.

172. The Government Office for National Minorities serves as the national contact point for the integration of the Roma in Slovenia; in this role, in 2017, it implemented the 12-month project⁴⁰ “*Reinforcing of national consultation process in Slovenia by establishing a National Roma Platform (SIFOROMA)*”. Its purpose was to strengthen the existing consultation process within the framework of the Government Commission for the Protection of the Roma Ethnic Community. In the first year of the project, the focus of the National Roma Platform was on the topic of managing the living conditions at the local level; the work was carried out in the municipality of Novo mesto. The Government Commission for the Protection of the Roma Ethnic Community and the Slovenian Government were both informed of the work performed and the project results. The work continued in 2018 in the context of the project “*Reinforcing of national consultation process in Slovenia by establishing a National Roma Platform (SIFOROMA2)*”. Within the project and the NPUR 2017–2021, cooperation between the local and the state level will be further strengthened and support will be provided for interinstitutional cooperation at the local level, development of concrete local action plans for Roma integration and better quality of work of the representatives of the Roma community in municipal councils.

Reply to paragraph 23 of the list of issues

173. The Act Amending the Domestic Violence Prevention Act – ZPND-A⁴¹ of 4 November 2016 includes a new article, Article 3a, defining and prohibiting corporal punishment of children. Corporal punishment of children is any physical, cruel or degrading punishment of children or any other act with the intention to punish children, containing elements of physical, psychological or sexual violence or neglect as a method of upbringing.

Reply to paragraph 24 (a) of the list of issues

174. The Prison Administration deals with the problem of overcrowding in certain prisons by transferring prisoners from more occupied prisons to less occupied prisons. Individual institutions keep daily occupancy records with the purpose of immediate response in the event of an increased number of prisoners at a particular location and necessary relocation.

175. In order to deal with overcrowding, *the Instructions on the placement and sending of sentenced persons to serve prison sentences*⁴² were amended with the aim of relieving overcrowded prisons.

Psychiatric treatment of prisoners

176. The Forensic Psychiatry Unit at the Maribor University Medical Centre, organised in accordance with European guidelines, has been operating since 2012. As a result, Slovenia has a modern hospital in which forensic psychiatric treatment is performed according to the most demanding professional principles.

Reply to paragraph 24 (b) of the list of issues

177. Suicide prevention activities and measures in prisons and correctional facilities. Based on a situation analysis and taking into account good practices abroad, the Suicide Prevention Strategy was adopted in December 2003 and amended in 2012. We have begun to systematically train prison staff to recognise signs when a person is at risk of suicide and provide appropriate assistance to them.

178. According to the analysis based on data comparison, the share of suicides following the implementation of the Strategy in 2004 is three times lower than in the previous period. The average suicide rate for 1995–2003 was 34.97 per 10,000 prisoners and 11.10 for 2004–2017. The number of suicide attempts and self-harm cases also decreased.

⁴⁰ The project ran from 1 August 2016 to 31 July 2017.

⁴¹ Official Gazette of the Republic of Slovenia [Uradni list RS], No. 68/16.

⁴² Official Gazette of the Republic of Slovenia [Uradni list RS], Nos. 78/00, 44/03, 86/04, 127/06, 7/07, 112/07, 25/08, 121/08, 66/09, 34/10 and 10/11.

179. There were two suicides in 2011, three in 2012, and no suicides in 2013 and 2014. Three suicides were recorded in 2015 and no suicides in 2016. One suicide was recorded in 2017. Of these nine cases, four were convicts and five were detainees. The last suicide of a detainee occurred in 2007.

Other issues

Reply to paragraph 25 of the list of issues

180. In responding to the threats of terrorism and other challenges of the present time, Slovenia aims to ensure a proper balance between effectiveness and respect for fundamental rights and freedoms. By adopting the KZ-1E amendment, Slovenia additionally criminalised certain phenomena, as defined by the Protocol to the Council of Europe Convention on the Prevention of Terrorism and the EU Directive on combating terrorism (e.g. traveling for the purpose of terrorism). Although Slovenia signed the aforementioned Protocol on 22 October 2015, it also actively advocated the principle of legality in criminal law and the principle of ultima ratio when drafting both the Protocol and the Directive.

181. The Slovenian police recognise combating terrorism as a priority. Slovenia acts as an equal partner in the international environment, and the implementation of counter-terrorism policies is based primarily on a strict and consistent respect for human rights and freedoms. In doing so, as it develops its own practices, it takes into account internationally recognised best practices that are being immediately implemented at the national level. To this end, various guidelines for early detection and prevention of suspected terrorism-related criminal offences were drawn up for the police, police officers and criminal investigators at the local level, who first deal with this issue in the field. The focus is on detecting and preventing violent radicalisation and recruitment for the purpose of terrorism.

182. Depending on the issue, several training courses are held annually, which are user-targeted. Training for trainers is held, who then provide training and transfer good practices to the police at a local level. Training for trainers took place in February 2015. Several training courses on general police tasks were held as part of professional consultations with the management of police stations. The last training courses took place between January and March 2015. The exchange of practices and experiences is carried out in close cooperation with other competent stakeholders at the national level. Police officers were presented with topics related to the timely identification and detection of violent radicalisation and recruitment for the purpose of terrorism. In this regard, the police work together with the local community and other competent stakeholders at the national level. The basic message is that the police are a partner that helps find the causes of violent radicalisation in a society.

183. The police were the initiator in the creation of a national platform for the Radicalisation Awareness Network. Other stakeholders, the private sector and non-governmental organisations are also committed to addressing this issue. The police and the intelligence sector remain important partners in the fight against terrorism but last in the line.

184. On the intranet website of the police force, police officers may find content to help them understand all types of violent radicalisation. A special manual is available for first line police officers, who are the first to be confronted with this issue in the field.

185. Slovenia is aware that the threat of terrorism cannot be addressed solely at the national level. Concerted action at the international level is needed. Therefore, Slovenia proposed implementing the Western Balkan Counter-Terrorism initiative at the EU level; currently, it is supported by 16 EU Member States and the European Commission. This is a unique, complementary and integrative approach to formulating future counter-terrorism policies in the Western Balkans region. As part of the initiative, a specific action plan will be developed, which will contain priority actions that the Western Balkan countries themselves agree on. One of the advantages of the initiative is that it will prevent

duplication and individual attempts to implement mutually exclusive projects, the large number of which weakens the structure of the Western Balkan countries.

General information on other measures and developments relating to the implementation of the Convention in the State Party

Reply to paragraph 26 of the list of issues

186. In international forums, Slovenia supports global efforts to eradicate torture and other cruel, inhuman or degrading punishment or treatment, including efforts towards the global abolition of the death penalty. At the same time, it seeks to contribute to rehabilitation and support for the victims. In 2009, Slovenia made a voluntary contribution (EUR 11,500) to the United Nations Voluntary Fund for Victims of Torture. Voluntary contributions are occasionally donated to the Trust Fund for Victims within the jurisdiction of the International Criminal Court, i.e. war crimes, crimes against humanity and genocide; thus, EUR 15,000 was donated in 2009, EUR 15,000 in 2013 and EUR 10,000 in 2017. Slovenia is particularly active in advocating gender equality and women's rights in international forums; in this light, it contributed EUR 11,500 to the UN Trust Fund to End Violence against Women in 2009.

187. In view of the Committee's competences, Slovenia would like to highlight the amendment to the ZNPPol-A (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 10/17), which introduced a new restraint device into the Slovenian legal system – an electric stun gun or taser. Its implementation is linked to practical experience, which indicates that police officers do not have a means of restraint that would enable them to subdue a person who is actively resisting or attacking them with a weapon from a safe distance.

188. The use of an electric stun gun (following the recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment – CPT) is envisaged in the following two cases, specifically if police officers are otherwise unable:

- To control active resistance or an attack with a weapon or other dangerous objects (subject to the condition of threat to life);
- To prevent self-harm (subject to the condition of imminent danger of serious injury or serious harm to the person).

189. In addition to the above conditions, there are also a number of safeguards intended to ensure the transparent, professional and proportional use of an electric stun gun so as to minimise or eliminate as soon as possible the consequences of its use.